

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claims 14, 21, 25 and 26 are currently being amended.

This response amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 14-23, 25 and 26 remain pending in this application.

Request for entry of After-final Amendment and Reply:

It is respectfully requested that this after-final Amendment and Reply be considered and entered, since it is believed to place this application in condition for allowance.

Claim Rejections – Prior Art:

In the Office Action, claims 14-15, 19-23, 25 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,418,324 to Doviak; claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of U.S. Patent No. 5,729,531 to Raith et al.; and claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Doviak in view of U.S. Patent No. 6,370,394 to Antilla. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

First, regarding claim 14, the Office Action incorrectly asserts that the first recited function of the packet transfer processing unit for determining whether or not a prescribed condition regarding communication cost is satisfied for the communications with the correspondent device is disclosed by Doviak's router 200.

However, as described in column 34, lines 56-58 of Doviak, the Router Core 204 of the Router 200 can select the current network and the next network according to the user configurable parameters defined in the User Configuration block 208, which is totally

different from a function for determining whether or not a prescribed condition regarding communication cost is satisfied for the communications with the correspondent device at the radio portable terminal device itself.

In this regard, the Office Action alleges that this specific feature is not recited in the rejected claim. However, since this feature is recited as a function of the packet transfer processing unit which in turn is recited as a constituent element of the radio portable terminal device, it should be apparent that this function is realized within the radio portable terminal device itself. Nevertheless, the fact that this function is realized within the radio portable terminal device itself is further emphasized in the amendments made to claim 14.

Moreover, the Office Action incorrectly asserts that the second recited function of the packet transfer processing unit for transferring data packets containing data to be transmitted to the correspondent device, not directly to the correspondent, but to a prescribed another computer such that the data are transmitted to the correspondent device from this another computer, is disclosed by Doviak's mobile data controller 54 and the host data controller 22.

However, in Doviak, the mobile data controller 54 simply sends data from the mobile device 52 to the remote network controller 20 via the radio infrastructure 56, and the host data controller 22 simply sends data from the radio infrastructure 56 to the mobile data controller 54, which is totally different from a function for transferring data packets containing data to be transmitted to the correspondent device, not directly to the correspondent device, but to a prescribed another computer at the radio portable terminal device itself.

In this regard, the Office Action further asserts that this specific feature is not recited in the rejected claim. However, since this feature is recited as a function of the packet transfer processing unit which in turn is recited as a constituent element of the radio portable terminal device, it should be apparent that this function is realized within the radio portable terminal device itself. Nevertheless, the fact that this function is realized within the radio portable terminal device itself is further emphasized in the amendments made to claim 14.

In addition, the Office Action incorrectly identifies the first function of the packet transfer processing unit with Doviak's router 200 while identifying the second function of the packet transfer processing unit with Doviak's mobile data controller 54 and the host data controller 22, which are apparently physically distinct entities. Doviak fails to disclose, suggest or imply any teaching for incorporating these functions of physically distinct entities

into the mobile device, and so this interpretation itself as made in the Office Action is self-contradictory. Note that this is not a matter of how broadly the claim is interpreted; rather, it is a matter of logical consistency.

Accordingly, Doviak cannot anticipate claim 14.

The same argument also holds for the dependent claims 15-20 as well as the corresponding method claim 25, whereby it is noted that the other cited art of record does not rectify the above-mentioned shortcomings of Doviak.

Next, regarding claim 21, the Office Action incorrectly identifies the claimed control unit with Doviak's configuration and health module 124.

Specifically, according to column 27, lines 23-34 of Doviak, the configuration and health module 124 only accepts configuration information from the remote network controller 20 via the radio infrastructure 56, and monitors and determines if the RF communications module 126 has successfully transmitted a packet to the host data controller 22. This disclosure of Doviak is totally different from the recited functions of the control unit for judging whether a specified condition which is specified to the gateway device from the radio portable terminal device is satisfied by non-voice data to be transferred to the radio portable terminal device, and controlling the transfer of the non-voice data to another computer, without directly transferring the non-voice data to the radio portable terminal device, when the specified condition is satisfied. Note that Doviak's configuration and health module 124 does not even distinguish the voice data and the non-voice data. Note also that this is not a matter of how broadly the claim is interpreted; rather, it is a matter of logical consistency.

In this regard, the Office Action also alleges that these specific features are not recited in the rejected claim. However, since these features are recited as functions of the control unit which in turn is recited as a constituent element of the gateway device, it should be apparent that these functions are realized within the gateway device itself. Nevertheless, the fact that these functions are realized within the gateway device itself is further emphasized in the amendments made to claim 21.

Thus, Doviak cannot anticipate claim 21.

The same argument also holds for the dependent claims 22-23 as well as the corresponding method claim 26, whereby it is noted that the other cited art of record does not rectify the above-mentioned shortcomings of Doviak.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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